IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 25109 of 2004

Between:

Anita, W/o Ravinder Kumar
R/o Plot No. 162, Road No. 12, Banjara Hills, Hyderabad-54

..... PETITIONER

AND

1.The Principal Secretary, Transport, Roads & Buildings Department

Government of A.P., Secretariat, Hyderabad
2.The Chief Engineer, National Highways, Engineer-in-Chief Buildings

Compound Erramanzil, Hyderabad
3.The Project Director, National Highways Authority, H. No. 6-1-132/65,

Opp Water Tank, Padmarao Nagar, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondents in taking the lands of the petitioner to an extent of 1500 Sq. Yards (260 feet length and 60 feet width) in Survey No. 91 situated at Kompally Village, Kuthubullapur Mandal, RR District for widening national Highway No.7 without notice, opportunity and without following the procedure contemplated under the law as arbitrary, illegal and contrary to the principles of natural justice as well as opposed to articles 14, 19 21 and 300-A of the Constitution of India and consequently direct the respondents to pay the compensation to the petitioner along with others by following section 3c and 3G of the National Highways Act. 1956 within a specified time.

Counsel for the Petitioner: MR.T.P.ACHARYA

Counsel for the Respondent No.1: GP FOR ROADS & BUILDINGS

Counsel for the Respondent Nos.2 and 3: MR.S.S.VARMA, SC for N.H.A.I.

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25109 OF 2004

ORDER:

The petitioner claims to be absolute owner and possessor of land in SurveyNo.91 admeasuring Ac.2.14 guntas situated at Komapanny village, Kuthbullapur Mandal of Ranga Reddy District. He alleges that the respondents took the land to an extent of 260 feet length and 60 feet width (about 1500 square yards) belonging to him for the purpose of widening National Highway No.7 without following due process of law. Therefore, he filed the present writ petition seeking a declaration that the action of the respondents in taking away the petitioner's land without following due process of law is illegal. He also prayed for a consequential direction to the respondents to pay compensation to the petitioner in accordance with Section 3C and 3G of the National Highways Act, 1956.

In a batch of cases being W.P.No.12951 of 2002 and batch dated 20.08.2003, I have considered similar cases and disposed of the writ petitions in the following manner.

> In the result, for the above reasons, the writ petitions are disposed of giving liberty to the NHAI to acquire the land in accordance with the provisions of the Act. At the time of determination of compensation under Section 3G of the Act, it is open to the competent authority to conduct enquiry in accordance with sub-section (4) of section 3G and also determine the interest of the petitioners in the land. If there is still any dispute as to the ownership of the land, it is also open to the competent authority under the Act to refer the dispute to the decision of the civil Court of original jurisdiction within whose jurisdiction the land is situated. In view of the directions issued above, the interim orders stand vacated. No costs.

Following the above decision, this writ petition is also disposed of with the above terms. A copy of the order referred to hereinabove will form part of this order. No order as to costs.

_____

(V.V.S.RAO,J)

06.06.2005.

pln

To

1.The Principal Secretary, Transport, Roads & Buildings Department

Government of A.P., Secretariat, Hyderabad
2.The Chief Engineer, National Highways, Engineer-in-Chief Buildings

Compound Erramanzil, Hyderabad
3.The Project Director, National Highways Authority, H. No. 6-1-132/65,

Opp Water Tank, Padmarao Nagar, Secunderabad

4.Two CCs to Government Pleader for Roads and Buildings, High Court

Buildings, Hyderabad (OUT).

5.Two CD copies.